

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

STEVEN CHARLES GARRETT	§	
VS.	§	CIVIL ACTION NO. 1:10cv91
REGINALD GOINGS, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Steven Charles Garrett, formerly an inmate at the Gist State Jail, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983.

Discussion

Plaintiff filed the complaint in this action on the standardized complaint form used for filing a complaint pursuant to 42 U.S.C. § 1983. A review of case filings, however, reveals that plaintiff previously filed another civil action, styled *Garrett v. Goings*, civil action no. 1:09cv479. Further on January 20, 2010, the Clerk was ordered to provide plaintiff with a complaint form, and plaintiff was ordered to complete the form and return it to the court in civil action number 1:09cv479. Thus, it appears plaintiff's pleading, filed as an original complaint in this case, was actually his attempt to comply with the court's order of January 20, 2010 in civil action no. 1:09cv479.

In civil action number 1:09cv479, plaintiff has paid a total of \$33.17 toward the \$350.00 filing fee. If plaintiff were required to continue with this case it would result in the payment of an additional \$350 filing fee. Accordingly, the above-styled action should be dismissed as improvidently filed.

O R D E R

For the foregoing reasons, the above-styled action should be dismissed without prejudice as improvidently filed. The complaint in this action should be filed as an amended complaint in civil action no. 1:09cv479, styled *Garrett v. Goings*. It is therefore

**ORDERED** that the Clerk of Court is **DIRECTED** to file the document filed as the original complaint in this action as an amended complaint in civil action no. 1:09cv479, styled *Garrett v. Goings*. A final judgment will be entered in accordance with this memorandum.

So **ORDERED** and **SIGNED** this **18** day of **May, 2010**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge